THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 17-11-2005

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WRIT PETITION No.24565 OF 2005

Between:

Ch.Dasaradha Rami Reddy . .. Petitioner

and

The Government of A.P. and others ….Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.24565 OF 2005

O R D E R:

The petitioner states that he was appointed as Class-IV Employee on contract basis for a period of eleven months in Srikalahastheeswara Swamy Devasthanam, Srikalahasthi, the third respondent herein. The Executive Officer of the temple is said to have addressed a letter, dated 12-03-2005, to the Commissioner of Endowments, the second respondent herein, stating that the petitioner was rendering voluntary service in the Temple for the past few years, and seeking permission to accommodate in the existing vacancy of Class-IV posts. The second respondent, in turn, issued proceedings, dated 24-03-2005, according permission to the Devasthanam to appoint the petitioner as Class-IV employee on contract basis for a period of eleven months. Accordingly, the petitioner was appointed on contract basis, for a period of eleven months. The first respondent issued G.O.Ms.No.1422, dated 25-07-2005, cancelling all categories of appointments, made on the basis of approval accorded by the then Commissioner.

Feeling aggrieved by the G.O.Ms.No.1422, dated 25-07-2005, the petitioner, along with others approached this Court, on an earlier occasion, by filing WP.No.19840 of 2005. The same was disposed of along with the batch, directing the first respondent to issue notice to the petitioner and the latter in turn, was permitted to make his representation. On consideration of the same, the 1st respondent passed an order in G.O.Rt.No.2121, dated 05-11-2005, cancelling the memo, dated 24-03-2005, passed by the second respondent. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner, learned Government Pleader for Endowments and learned Standing Counsel for the Devasthanam.

The first respondent took the view that the permission accorded by the second respondent for appointment of the petitioner on contract basis is opposed to the relevant service rules and public policy. It was also observed that selective issuance of orders of this nature would affect the sanctity and efficiency of the religious institutions. This Court is not persuaded to take any different view. If any vacancy exists in the third respondent temple, steps can be taken to fill it on regular basis duly following the procedure. On the other hand, if temporary measures are to be undertaken, candidates can be appointed on contractual or other basis for a limited period. Even for this purpose, applications have to be called for from the eligible candidates. Individuals cannot be picked up indiscriminately.

Therefore, the writ petition is disposed of upholding the order passed in G.O.Rt.No.2121, dated 05-11-2005, but directing that as and when the third respondent takes up measures to fill the existing posts of Class-IV employees on regular, temporary or on contract basis, the case of the petitioner shall also be considered. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

17th NOVEMBER, 2005.

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